

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-13 are pending in this application.

**Request for Return of Form PTO-1449:**

On June 12, 2001, an Information Disclosure Statement (IDS) with Form PTO-1449 was filed in the present application. As of the present date, however, the initialed and dated Form PTO-1449 has not been returned to the offices of the undersigned. Applicant respectfully requests that the Patent Office check the file of the present application and return the initialed Form PTO-1449 to the offices of the undersigned. For the Examiner's convenience, Applicant has submitted a fresh copy of the Form PTO-1449.

**Request to Acknowledge Priority Under 35 U.S.C. §119 and Receipt of Priority**

**Documents:**

The Office Action does not indicate acknowledgement of Applicant's claim for foreign priority under 35 U.S.C. §119 or receipt of priority documents. Applicant requests that the next Office Action acknowledge Applicant's claim for foreign priority and receipt of priority documents.

**Rejections Under 35 U.S.C. §103:**

Claims 1-2 and 8-13 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Matsuda et al (U.S. '328, hereinafter "Matsuda") in view of Falacara et al (U.S. '263, hereinafter "Falacara"). Claims 3-7 were rejected under 35 U.S.C. §103 as

allegedly being unpatentable over Matsuda in view of Falacara and further in view of Broll. Applicant respectfully traverses these rejections.

Matsuda was filed in the U.S. Patent Office on May 26, 1998. Accordingly, Matsuda is only effective as "prior art" as of its May 26, 1998 filing date. The present application is entitled to priority rights based on Great Britain application no. 9722343.2 which was filed on October 22, 1997 (i.e., before the May 26, 1998 filing date of Matsuda). Applicant believes that the certified priority documents have been filed via the PCT proceedings in Applicant's international application PCT/GB98/03121 (the present application is a national phase filing of international application PCT/GB98/03121). Accordingly, it is believed that Applicant has perfected its foreign priority claim under 35 U.S.C. §119 and that Matsuda is therefore not "prior art" with respect to the present application. It is therefore not believed necessary at this time to discuss the technological deficiencies of this document and hence the combination of this document with Falacara and/or Broll. Applicant therefore respectfully requests that the rejections of claims 1-13 be withdrawn.

***POWERS et al.***  
***Application No. 09/194,317***  
***March 1, 2004***

**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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